Instructions on the "Notice Period" for personal hearing in the matters before Various Authorities.

Government of Maharashtra
Law and Judiciary Department
Government Circular No. 518-2023/E
Madam Cama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai- 400032.
Date : 14th July, 2023

Circular

The Hon'ble High Court of Judicature at Bombay, by order dated 29th March, 2023 passed in Writ Petition No. 3973/2023 *(Devidas Anandrao Pingale V/s State of Maharashtra & Ors.)*, has expressed displeasure in respect of the Notice given to the Petitioner for the personal hearing before the Authority in the case filed under the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963.

2. The Hon'ble High Court, in Paras 1 and 2 of the aforesaid Judgment, (copy enclosed) has, *inter alia*, directed/observed as under:-

> "***…..State of Maharashtra is directed that in all those matters where personal hearing has to be given, they shall give minimum five working days notice to all parties in every matter, and that applies to this matter as well. This is a direction that shall apply to personal hearing before every authority.***
>
> 2.…. ***State of Maharashtra is put to notice through its Chief Secretary that if, such notices are brought to the notice of the court, this court may impose substantial costs to be recovered from the salary of Principal Secretary of the concerned department."***

3. Further, the Hon'ble High Court has observed that giving less than 24 hours' notice or short notice of hearing is against the principles of natural justice.

4. All the departments are, therefore, instructed to strictly adhere to the aforementioned directions of the Hon'ble High Court with regard to

'Notice period' to the parties concerned for personal hearing, before various Authorities to ensure Natural Justice.

Non-compliance of the said directions may result in imposition of cost by the Hon'ble Court to be recovered from the salary of the Principal Secretary of the concerned Department.

5. The aforesaid directions be also brought to the notice of the offices under the administrative control of the departments.

6. This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 202307141653155212. This Circular has been signed digitally.

By order and in the name of the Governor of Maharashtra,

NEERAJ PRADEEP DHOTE

Digitally signed by NEERAJ PRADEEP DHOTE
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=LAW AND JUDICIARY DEPARTMENT, 2.5.4.20=ecf8ac6cd2050be6b2f1a2e67257b46e511d059da5a2b598b641533ab0393dac, postalCode=400032, st=Maharashtra, serialNumber=714EFBF760DA6C143FDF63D5EC3DA8A8957B82D41451A5F202043CE4895E4205, cn=NEERAJ PRADEEP DHOTE
Date: 2023.07.14 16:56:30 +05'30'

(Neeraj P. Dhote)
Principal Secretary & R.L.A.
Law and Judiciary Department
Government of Maharashtra

Copy for information and necessary action to:-

1. All Additional Chief Secretaries/Principal Secretaries/ Secretaries Maharashtra State, Mantralaya, Mumbai.
2. The Joint Secretary (Law) to the Hon'ble Chief Secretary, Maharashtra State, Mantralaya, Mumbai.
3. The Joint Secretary, Law and Judiciary Department 'A' Branch/ 'M' Branch/Nagpur/Aurangabad.



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3973 OF 2023

...das Anandrao Pingale ....Petitioner

V/s.

Agricultural Produce Market Committee
Nashik & Ors. ...Respondents

Mr. Kishor Patil i/b Mr. Pratik Rahade for Petitioner.
Mr. Sachin Gite for Respondent.
Ms K. N. Solunke, AGP for State Respondent nos.2, 4, 5 & 6.
Mr. Shailesh Surve, Desk Officer, Mantralaya.

CORAM : K.R. SHRIRAM &
RAJESH S. PATIL JJ
DATED : 29th MARCH 2023

P.C. :

1 The grievance in the petition is, as submitted by Mr. Patil that the notice for personal hearing that was scheduled to be held on 24th March 2023, was served only on 25th March 2023. Ms Solunke on instructions from Mr. Shailesh Surve, Desk Officer, Mantralaya, states that the notice was issued on 23rd March 2023 and the Desk Officer called petitioner and informed that the personal hearing is fixed at 1.30 p.m. on 24th March 2023. Mr. Patil denies that any such telephonic call has been received from the so called Desk Officer. The indisputable fact is that the written notice was delivered only on 25th March 2023. Ms Solunke had no explanation when the court queried as to why the notice for personal hearing of 24th March

2023 has been issued only on 23rd March 2023. State of Maharashtra is directed that in all those matters where personal hearing has to be given, they shall give minimum five working days notice to all parties in every matter, and that applies to this matter as well. This is a direction that shall apply to personal hearing before every authority.

2 Copy of this order to be sent to the Principal Secretary, Law and Judiciary Department, who shall circulate this order to every department. This will ensure courts are not saddled with this kind of petitions. By giving less than 24 hours notice or short notice is against the principles of natural justice. State of Maharashtra is put to notice through its Chief Secretary that if, such notices are brought to the notice of the court, this court may impose substantial costs to be recovered from the salary of Principal Secretary of the concerned department. Copy of this order be also sent to the Learned Advocate General of Maharashtra, for information and necessary action.

3 As regards the matter at hand, we are informed no order has been passed and the personal hearing is scheduled to be held on 10th April 2023 at 2.30 p.m. Mr. Patil states petitioner will attend the personal hearing either in person or through his duly authorised Advocate / representative.

4 Should petitioner wish to file written submissions recording what had transpired during the personal hearing, he shall submit the same within three working days after the personal hearing. The order to be passed shall be a reasoned order dealing with every submission of petitioner.

5 Petition disposed.

6 We clarify that we have not made any observations on the merits of the matter.

(RAJESH S PATIL, J.) **(K.R. SHRIRAM, J.)**

Meera Jadhav